13-11-2002







In re Application of

Noribiro Iwai

Serial No.

09/888,930

Filed

06/25/20001

For

SEMICONDUCTOR OPTICAL WAVEGUIDE

STRUCTURE

Group Art Unit

2823

Examiner

G. FOURSON, III

Batch No.

N90

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Box DAC

Assistant Commissioner for Patents

Washington, D.C. 20231

OFFICE OF PETITIONS

#### PETITION TO ACCEPT DELAYED PAYMENT OF ISSUE FEE PURSUANT TO 37 C.F.R. 1.137(b)

Dear Sir:

Petitioner hereby petitions the Commissioner to accept payment of the issue fee later than three months after the mailing of the Notice of Allowance as though no abandonment had ever occurred. Petitioner hereby submits that the entire delay was unintentional.

The above-identified application was abandoned on January 23, 2002 by failure to make timely payment of the issue fee. Applicant has not yet received a Notice of Abandonment for this application.

The Publication Fee for the current application is due today, February 14, 2002.

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> Any fee due with this paper may be charged on Deposit Account No. 50-1290

(Receipt No. on February 14

pursuant to 37

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Thus, Applicant hereby authorizes the Commissioner to charge the publication fee to Deposit Account No. 50-1290.

The Commissioner is hereby authorized to charge the issue fee (set forth in 37 C.F.R. § 1.18) for other than a small entity and the petition fee required by § 1.137(b)(2) as set forth in § 1.17(m) to Deposit Account No. 50-1290. Any other fees due with this petition may also be charged on Deposit Account 50-1290.

Petitioner is enclosing herewith the issue fee transmittal sheet and formal drawings. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required.

Petitioner is also enclosing herewith a request for change in correspondence address for the current application.

Please direct any inquiries regarding this perition to the Applicant's undersigned attorney who may be reached directly by telephone at (212)940-8712.

Respectfully submitted,

Linda S. Chan

Attorney for Petitioner/Applicant

Rosenman & Colin LLP 575 Madison Avenue New York, NY 10022-2585 Telephone: (212)940-8800

Facsimile: (212)940-8776

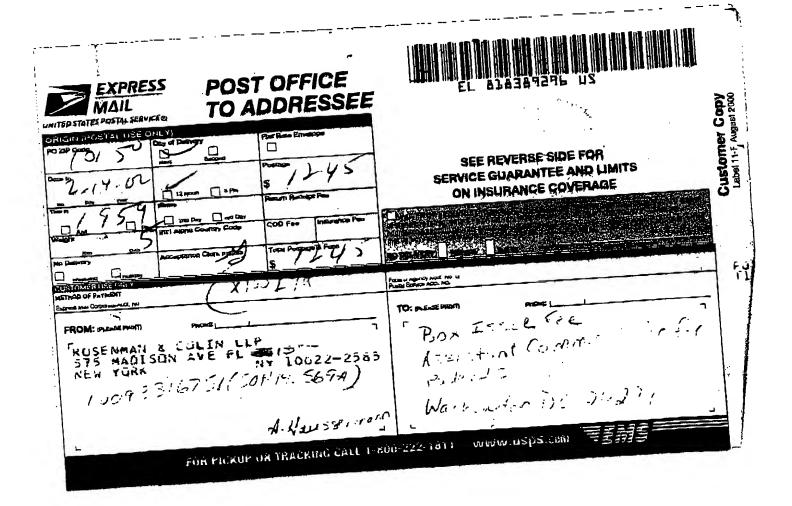
Attorney Docket No.: SOH 14.569A

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To: Assistant Commissioner for Patents Serial/Patent No. Filing date	Atty Docket No.  Date Mailed Attorney
Inventor(s):	<del></del>
Preliminary Amendment  Declaration and Power of Attorney	Total Pages Sheets of Drawings (Figs. Fee Transmittal Sheet Response to Missing Parts Amendment IDS & Citation in Application Form Dertified Copy of Priorital Occurre Stue Fee Transmittal Form(s) Ineck(s) # for Sheet Corrected Figures Request for Refund of Fee

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**OFFICE OF PETITIONS** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Norihiro Iwai

Serial No.

09/888,930

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For

SEMICONDUCTOR OPTICAL WAVEGUIDE

STRUCTURE

Group Art Unit

2823

Examiner

G. FOURSON, III

Batch No.

N90

November 13, 2002

ATTN: Examiner Tom Hawkins

By Facsimile: 703-305-8755 Commissioner for Patents Washington, D.C. 20231 RECEIVED

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OFFICE OF PETITIONS

### Statement of G. Valencia Ward-Armstrong

I, G. Valencia Ward-Armstrong, hereby declare that the Perition to Accept Delayed Payment of Issue Fee Pursuant to 37 C.F.R. 1.137(b) filed for the above-referenced application, a copy of which is attached, was deposited with the United States Postal Service as Express Mail on February 14, 2002 (Express Mail Receipt No. EL818389296US).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Ser. No.: 09/888,930

code, and that such willful false statements may jeopardize the validity of the application or any

patent issued thereon.

Date: November 13, 2002

Attorney Docket No.: SOH 14.569A

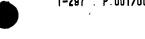
Katten Muchin Zavis Rosenman 575 Madison Avenue New York, New York 10022-2585

Telephone: (212)940-8712

Fax: (212)940-8776

Valencia Ward-Armstrong

2129407049



KMZ Rosenman

575 Mādison Avenue New Yeik: NY 10022-2585 212 940,8800 otlice 212 940,8776 fax

### **Facsimile**

То	Company	Fax Nuṃber	Pnone Number
1 Examiner Tom Hawkins	United States Patent and Trademark Office	703-305-8755	
Date	Client/Mat	ter Number	
November 13, 2002	100933-	16751	
From	Attorney I	lumber	
Linda S. Chan	20093		
Phone	Fax		
212-940-8712	212-940-8986 / 212-940-8987		
	Total number of pages, inclu If you do not receive all of the pages	ding cover letter: 9 please call: (212)940-8712	?

Comments

U.S. Patent Application No. 09/888,930

Petition for Acceptance of Late Payment of Maintenance Fee

Our Ref.: SOH 14.569A (100933-16751)

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KMZ Rosenman

575 Madison Avenue. New York, NY 10022-2585 212,940 8800 office 212 940,8776 fax

Linda S. Chan linda chan@kmzr.com (212)940-8712 (212)894-5712 fax

November 13, 2002

By Facsimile: 703-305-8755

Examiner Tom Hawkins

United States Patent and Trademark Office

Washington, D.C. 20231

Re:

U.S. Patent Application No. 09/888,930

Petition for Acceptance of Late Payment of Maintenance Fee

Our Ref.: SOH 14.569A (100933-16751)

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OFFICE OF PETITIONS

Dear Mr. Hawkins:

Further our telephone conference of earlier today, please find following this letter a copy of the petition, which was filed on February 14, 2002 concurrently with the filing of the Issue Fee Transmittal and drawings. The petition requested acceptance of the late payment of the Issue Fee which was due on January 23, 2002. The petition also included instructions for payment of the publication fee which was due on February 14, 2002.

As it appears that the Issue Fee Transmittal was received and processed, I am not including a copy of the Issue Fee Transmittal or the drawings with this paper. Also enclosed is a statement from G. Valencia Ward-Armstrong, who signed the Certificate of Mailing under 37 CFR § 1.10 affixed to the paper, attesting to the deposit of the petition with the U.S. Postal Service on February 14, 2002.

In further support of the submission of the petition on February 14, 2002, also enclosed is a print-out from the United States Postal Service's web site indicating delivery of the package sent as Express Mail Receipt No. EL818389296US. Also enclosed is a copy of the return postcard indicating receipt by the office of the Issue Fee Transmittal and drawings. Please note, as a result of a clerical error, the petition was not noted on the return postcard. However, as the petition was filed concurrently with the issue fee transmittal, it is believed that the receipt of the Issue Fee Transmittal evidences receipt by the office of the petition.

In view of the foregoing, it is respectfully requested that the petition filed February 14, 2002 be entered and the delayed payment of the issue fee for U.S. Patent Application no. 09/888,930 accepted such that the application may proceed to issuance.

Please feel free to contact me directly by telephone to (212)940-8712 should you require any further documentation or have any questions regarding this paper or the petition filed on February 14, 2002.

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Examiner Tom Hawkins November 13, 2002 Page 2

It is believed that no fee is due with this paper. However, any fee that may be due with this paper may be charged on Deposit Account No. 50-1290.

Sincerely,

Linda S. Chan

**Attachments**